

REMARKS

The herein Amendment is responsive to the Office Action dated June 1, 2005, in which claims 1-18 were rejected under § 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,770,725 to Graf in view of U.S. Pat. No. 3,241,352 to Lincourt. Claim 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Graf in view of Lincourt and further in view of U.S. Pat. No. 1,785,923 to Wade. In addition, claim 8 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. By this Amendment, independent claims 1 and 8 have been amended to overcome the prior art and indefiniteness rejection. Method claims 19 and 20 have been cancelled. It is respectfully submitted that the remaining claims to the application are now allowable over the prior art.

Newly amended claim 1 now recites a first section comprising head means, said head means comprising a single, solid, unitary component having an outer surface and being of a given width for insertion into the open end and between the dual sidewalls of the vehicle frame rail to be straightened. The claim further recites a second section comprising a solid, unitary, elongated component of given length connected to and extending substantially perpendicularly outward from the outer surface of the unitary component, the length of the elongated component being greater than the width of the head means component. The second section has means through the elongated component for the attachment of at least two pull chains at different locations along the length of the second section and at different angles in relation to the second section, whereby when the pull tool of the present invention is secured to the frame rail, the rail can be substantially straightened by the use of at least two pull chains, each placed under a separate tension force, without the need to remove the tool from the frame rail.

Newly amended independent claim 8 now recites language similar to that which was added to claim 1, with the additional recitation that the first section is of substantially cylindrical shape, comprising a single, solid, unitary component having an outer surface and a width greater than its length.

Independent claims 1 and 8, as amended, now overcome the cited prior art of record. Graf, the base reference cited in the Office Action in support of the rejections under 35 U.S.C. 103, comprises a pulling clamp with dual, elongated arms 12 and 14 extending parallel to each other. The outer ends of both arms of Graf are configured to be inserted into a frame rail. Graf does not disclose a first section with a head means comprising a single, solitary, unitary component having an outer surface which is insertable into the open end and between the dual sidewalls of a frame rail.

Graf also does not disclose a second section comprising a solid, unitary, elongated component connected to and extending substantially perpendicularly outward from the outer surface of the head means, the elongated component being greater in length than the width of the head means. The Office Action's attempt to categorize one arm 12 of Graf as a first section and the second arm 14 of Graf as a second section is, especially with the amendment of claims 1 and 8, no longer a valid basis for rejection.

In addition, Graf, even in view of Lincourt, fails to show the means through an elongated element for the attachment of at least two pull chains at different locations along the length of the second section and at different angles in relation to the second section, whereby a frame rail can be substantially straightened by the use of at least two pull chains, each placed under a separate tension force, without the need to remove the tool from the frame rail. Lincourt merely shows a pull clamp with a number of openings for attachment of pulling means. Lincourt's device is

totally different from the clamp of Graf, both in structure and manner of use. Further, it is not understood how Graf could realistically be modified with the openings of Lincourt. These features of Lincourt are not adaptable to Graf's clamp. Moreover, the pulling clamp of Graf does not even contemplate the use shown in Lincourt. As a result, to suggest that the specific, unique feature referenced in Lincourt could somehow be adapted to Graf, when Graf's clamp is to be employed in quite a different fashion, would not be appropriate and certainly would not be an obvious modification to one with ordinary skill in the art.

It is therefore submitted that, especially in view of the language in the amended claims, the combination of references applied under 35 U.S.C. § 103 has been overcome and that independent claims 1 and 8, and their corresponding dependent claims, 2-3 and 7, 9, and 12 are also allowable along with the independent claims.

With the amendment of claim 8, applicant has also addressed the rejection under 35 U.S.C. 112.

All currently pending claims in the application now being allowable, the application itself is condition for allowance.

If the examiner, upon review of the herein Amendment, believes additional changes may be appropriate to advance the prosecution of this application, he is requested to contact the undersigned.

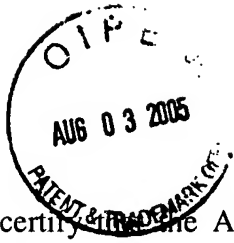
Respectfully submitted,

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By: 

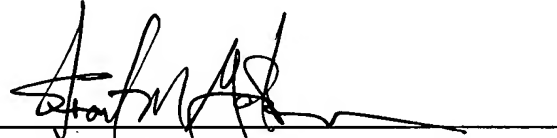
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Dated: August 3, 2005



CERTIFICATION OF SERVICE

I certify that the Amendment After First Office Action was sent to Edward Thomas Tolan, Examiner, Art Unit 3725, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450, via Express Mail # EV 732196395 US on August 3, 2005.



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